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OFFICE OF PETITIONS

In re Patent No. 7,047,856 :
Nurenberg et al. :
Issue Date: May 23, 2006 :
Application No. 10/765,551 : LETTER REGARDING
Filed: January 26, 2004 : PATENT TERM ADJUSTMENT
Attorney Docket No. 68,002-443 :
Title: SAW TABLE :

This is a decision on the "MAKE OF RECORD LETTER," filed August 21, 2006. Pursuant to their duty of good faith and candor to the Office, patentees disclose that the patent term adjustment indicated on the face of the Letters Patent should be corrected from two hundred and four (204) days to one hundred and ninety-two (192) days.

The request for reconsideration of the patent term adjustment is **DISMISSED**.

On May 23, 2006, the above-identified application matured into U.S. Patent No. 7,047,856, with a revised Patent Term Adjustment of 204 days. It appears that patentees are pointing to the calculation of 192 days of PTO delay at the time of the mailing of the notice of allowance, and have not considered the subsequent accrual of 12 days of PTO delay.

Patentees' attempt at candor is appreciated. However, patentees have incorrectly evaluated the 204-day period of adjustment. This period of adjustment was properly entered pursuant to 37 CFR 1.702(a)(1) and 1.702(a)(4).

Pursuant to 37 C.F.R. §1.702(a)(1), the Office is required to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a). The application was filed on January 26, 2004, and the Office mailed a non-final action on October 3, 2005, which is fourteen months and 192 days after the filing of the application.

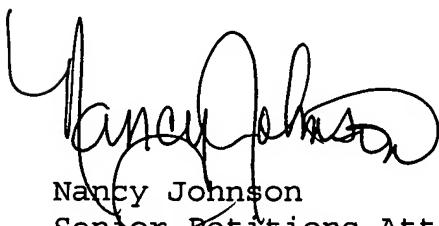
Pursuant to 37 C.F.R. §1.702(a)(4), the Office is required to issue a patent not later than four months after the date on which the issue fee was paid under 35 U.S.C. 151 and all outstanding requirements were satisfied. The issue and publication fees were received on January 11, 2006, and the patent did not issue until May 23, 2006, which is four months and 12 days after the receipt of the issue fee.

Thus, the proper period of adjustment is 204 (192 + 12) days.

In view thereof, the patent properly issued with a revised patent term adjustment of 204 days (204 days of Office delay reduced by 0 days of applicant delay).

To the extent that this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3219.



Nancy Johnson
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Office of Petitions